



The Salisbury Planning Board held its regular meeting Tuesday, August 11, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Maggie Blackwell, Robert Cockerl, Richard Huffman (late arrival), Craig Neuhardt, Valarie Stewart, Albert Stout, Bill Wagoner and Diane Young

**ABSENT:** Dr. Mark Beymer and Tommy Hairston

**STAFF:** Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks. Mark Wineka and Noelle Edwards of the *Salisbury Post* were present.

Chairman Robert Cockerl called the meeting to order and offered an invocation. The minutes of the July 28, 2009, meeting were approved as submitted. The Planning Board adopted the agenda. Maggie Blackwell reminded the Chair that she had requested that the Planning Board revisit the 3 and 6-minute rule at the August 11 meeting and it was not reflected on the agenda. It will be addressed at this meeting under Other Board Business.

Robert Cockerl read the Courtesy Hearing explanation and procedures.

## **OLD BUSINESS**

**G-09-03** Gables at Kepley Farms  
1900 Block Faith Road  
Tax Map 403, Parcels 001, 092

Committee 3 met Friday, July 31 at 9 a.m. in the second floor conference room. Bill Wagoner, Committee Chair, noted the minutes of that meeting had been distributed in the agenda packet. He offered background information. The case was originally heard at the July 28 regular Planning Board meeting. About thirty residents of the development were in attendance at this meeting today. Jay Dees and Seamus Donaldson were also in attendance.

At the July 31 meeting, Bill Wagoner made a MOTION to recommend that the request of the petitioner be accepted (to remove note #24). "First, I have no factual information that tells me otherwise that the document that we are reading required sufficient access. Secondly, it appears that the note # 24 became a part of a group development document without the authority of City Council." Mark Beymer said he was not convinced of that part. Tommy Hairston seconded the

motion. After discussion, Bill Wagoner agreed to remove the second part of his motion. Tommy Hairston agreed. Committee 3 agreed 2-1 in favor of the motion to remove note #24.

Planning Board voted 8-0 to approve the motion from Committee 3 (to remove note #24). This will go to City Council August 18, 2009.

## NEW BUSINESS

### A. District Map Amendment

**LDOZ-7-04-2009** Claude Bruce  
 Muriel G. & Claude G. Bruce (*according to Rowan County*)  
 Bruce Properties, LLC (*as listed on petition*)  
 Unnumbered Statesville Boulevard  
 Tax Map & Parcel(s) 329-022 (1 parcel)  
 Approximately 2.1 acres  
 Located at the true northwest corner of Statesville Boulevard (Hwy 70)  
 and Enon Church Road

Rezoning request from GENERAL RESIDENTIAL (GR-3) to RESIDENTIAL MIXED-USE (RMX)

Preston Mitchell made a staff presentation for a base district rezoning in the ETJ. The on-site video was part of the presentation. County zoning information was included in the staff report that the Planning Board received. It is quite an intensive zoning district to the west.

Three Vision 2020 Comprehensive Plan policies apply to this rezoning (1) Policy N-11, (2) N-12, and (3) C-16.

RMX opens up some uses while protecting the West Cliff neighborhood. This is currently a green parcel. Any retail or restaurant use would require a special use permit. A drive-through restaurant would not be permitted.

No one spoke in opposition or in favor of the rezoning.

Claude Bruce, petitioner, represented his mother who is in assisted living. This property is part of his family "home place." Forty years ago they could ride horses on Statesville Boulevard. His father is now deceased, but had plans for the property.

### *Board Discussion*

Dick Huffman made a MOTION to approve **LDOZ-7-04-2009**. "The Planning Board finds and determines that **LDOZ-7-04-2009** is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and hereby recommends approval." Karen Alexander

seconded the motion with all members voting AYE. (9-0) This case will proceed to City Council September 1, 2009.

### **LDOTA-07-2009      Infill Provisions for Minimum Residential Lot Width**

This began back in April 2009; the committee last met May 12. The solution was to develop a special exception process similar to the variance process. Proposed text language and format was included in the Planning Board agenda packet.

The Planning Board would be the approval body. The burden of proof would be on the applicant who would have to respond to standards in writing. (1) The minimum frontage width, as requested, is not less than the minimum frontage width permitted under the applicable LDO district. (2) The minimum frontage width, as requested, is not less than the narrowest frontage width of the applicable comparison lots. (3) The minimum frontage width, as requested and subsequent subdivision will not create or increase any known nonconformities associated with the subject property. (4) The minimum frontage width, as requested, is uniform from the front to the rear of the property so as to substantially maintain right angles or radial lot lines to the fronting street.

In applying the aforementioned standards, the Planning Board shall consider each of the following factors: The minimum frontage width, as requested, or some modification thereof, and subsequent subdivision do not negatively impact the provision of city services or utilities. The applicable comparison lots adequately represent the larger surrounding area. Natural or man-made features of the land help or hinder the minimum frontage width as required and requested.

The idea is to protect the integrity or character of neighborhoods. Staff decided to complete the draft text amendment language and place it on the upcoming Planning Board agenda for board consideration or referral back to Legislative Committee A on a to-be-determined day and time.

Valarie Stewart made a MOTION to have Legislative Committee A (Valarie Stewart, Mark Beymer, Robert Cockerl, Karen Alexander, and Richard Huffman) look at the text and get some clarification. Fairness is the intent of this text amendment. Craig Neuhardt seconded the motion; Planning Board approved the motion.

Diane Young had concerns about going down “a slippery slope” of special exceptions when there is not a hardship. She would like to see examples of cases or requests that were turned down in the last year or so. Why were they turned down? Why didn’t they meet the infill provisions?

### **LDOTA-10-2009 Citywide Sidewalk Requirements**

The committee recommended to the Planning Board that all sidewalk construction requirements rest entirely on the city’s Sidewalk Prioritization Plan and the Sidewalk Priority Index formula. This policy (the plan), adopted by City Council in February of 2007, uses an objective quantitative method for scoring sidewalk prioritization based on pedestrian-generating characteristics.

Sidewalks must be installed on any street section scoring in the red, orange, and yellow (a score of 40 & above) and is not eligible for payment-in-lieu. A street section scoring in the blue or green (a score of 20 to 39) may construct the sidewalk or pay in lieu and receive a 50 percent discount on the current linear foot cost. A street section scoring in the purple (a score of less than 20) may construct the sidewalk or pay in lieu and receive a 75 percent discount on the current linear foot cost. A street section scoring in the black (a negative score) would not be required to install sidewalks or pay in lieu. The committee unanimously supported this recommendation; the recommendation comes forward to the Planning Board as a motion with a second.

Since this initiative began at the Council level, staff presented this committee recommendation to City Council at their last meeting (8/4/09) with the intent to update them and to gather feedback since the scale of the amendment has significantly increased by encompassing the entire city and not just industrial zoning districts.

The Sidewalk Prioritization Plan (including the Sidewalk Priority Index formula and the list of pedestrian-generating characteristics) becomes significantly more important if this amendment is adopted as proposed and should be thoroughly reviewed prior to any amendment coming forward.

Staff recommends that the Planning Board reconvene Legislative Committee B to begin careful review of the plan, the pedestrian-generating characteristics, and the scores assigned to each. Should existing publicly maintained streets in existing neighborhoods receive a score regardless of their proximity to pedestrian-generating characteristics?

Dick Huffman made a MOTION to table the committee recommendation until further review of the plan by Legislative Committee B (Albert Stout, Chair). Diane Young seconded the motion with all members voting AYE. (9-0)

NOTE: See Committee assignments below

## COMMITTEES

There was a discussion on committee structure. Maggie Blackwell made the following MOTION. "I move that we charter Special Committee with the five members to serve as a one-time Legislative Committee C in order to review the issue of front porches as found in the LDO." Diane Young seconded the motion. All members voted AYE. (9-0)

The static committee day (second Tuesday of the month) worked because it was on the regular meeting day that all had agreed to when signing up for Planning Board service. A static date affects business travel dates for Craig Neuhardt since he serves on the TRC. Albert Stout recommended changing one of the three committees to a legislative committee. Karen Alexander liked the suggestion and added that **committees one, two, and three could be the only three committees that rotate. The Board agreed by consensus.**

Each of the following committees will be scheduled by their committee chair.

- Committee #1 (Diane Young, Ch; Karen Alexander, V. Ch; Robert Cockerl) **LDOTA-10-2009 Citywide Sidewalk Requirements**—Scheduled a meeting later for Wednesday, August 26, at 4 p.m. in the City Hall second floor conference room.
- Committee #2 (Maggie Blackwell, Ch; Richard Huffman, V. Ch; Valarie Stewart; Albert Stout) **LDOTA 07-2009 Infill Provisions for Minimum Residential Lot Width Special Exceptions**—Scheduled a meeting later for Monday, August 24, at 4 p.m. in the City Hall second floor conference room.
- Committee #3 (Bill Wagoner, Ch.; Tommy Hairston, V. Ch.; Craig Neuhardt, Mark Beymer) **LDOTA 11-2009 Front Porch Provisions**—Habitat for Humanity submitted a request to review the front porch requirement (TRC recommended a review of the width requirement.) This meeting was later scheduled to meet at the Plaza (100 W. Innes St.) Second floor seminar room at 4 PM Wednesday, August 19.

Richard Miller has been following LDOTA-10-2009 since April 2008. Please contact him about the committee meeting date.

Maggie Blackwell made a MOTION to go beyond 6 p.m. All agreed.

## OTHER BOARD BUSINESS

Maggie asked the board to discuss the 3 and 6-minute rule. She feels that clarification is needed since there appears to be a lack of fairness and openness in the courtesy hearing process. She cited incidents demonstrating her objection to the current process.

Dick Huffman agreed with Maggie Blackwell adding that events at recent courtesy hearings did not “pass the smell test.”

Albert Stout said that this was not a problem until the 6-minute rule was implemented—before that *everyone* just had three minutes to speak.

(Before the 6-minute rule was implemented, petitioners felt they did not have enough time to state their case—which lead to the change in the rule.)

Dick also acknowledged that there had been some rude behavior against the petitioner by the opposition for **CD-8-03-2009**; this type of behavior should not be allowed.

Bill Wagoner believes there are three defined interests in a case: (1) A petitioner, (2) All people in favor (3) All people who are in opposition. Can we define the petitioner? A petitioner may have a financial interest, an association/business interest, or an attorney may represent a party. Anyone who has not spoken during a presentation should have the opportunity to speak.

Albert Stout said, "If they are here, they need to be heard."

Karen Alexander said a presenter should be designated for the six-minute presentation (either 3 & 3 or 6 minutes at the end.) But, you divide "it" into three segments: presentations by staff and petitioner, an open courtesy hearing with those in favor and then those opposed. Individuals have a duty to disclose their familial or financial involvement. It is unfair that Planning Board allow 30 or 40 people from the neighborhood to speak against a project and only allow one voice for these individuals who have spent a tremendous amount of time and resources to have something in our community. This could be added to the explanation of a courtesy hearing.

Valarie Stewart suggested that instruction be given to a petitioner by staff prior to the courtesy hearing.

Robert Cockerl brought the discussion to an end. This discussion will serve as clarification. The rules do not need to change. A presenter will be designated a six-minute presentation (either 3 & 3 or 6 minutes at the end.) All others will have an opportunity to speak three minutes either in favor or in opposition in a courteous manner.

The next Planning Board meeting will be August 25, 2009.

There being no further business to come before the Planning Board, this portion of the meeting was adjourned at 6:25 p.m.

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Robert Cockerl, Chair

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Diana Moghrabi, Secretary